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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,667	12/28/2000	Hyung-Chul Kim	51876.P224	9386

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EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,667	Applicant(s) KIM ET AL.	
	Examiner Nhon T. Diep	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.

With regard to the applicants' arguments that Oguz et al does not teach "decomposing a stored original video bit stream into a plurality of files of a plurality of file types capable of supporting the variable bit rate, and then storing the files; "merging selective files of the plurality of files to form a frame based on the decomposed tile types by considering a traffic state of a communication network and providing the streaming service by using the video bit stream merged." (page 5, ln. 18-23). The examiner respectfully disagrees. It is submitted that Oguz et al (US 6,771,703) teaches the decomposing of a frame into a plurality of 8X8 DCT blocks of coefficients and then remove DCT blocks of coefficients (el 222, fig. 13) in excess of the Nyquist frequency to form a new types of file, namely the reduced DCT blocks of coefficient file in addition to an original non-reduced DCT file (a plurality of original 8X8 DCT blocks of coefficients and a plurality of reduced 8X8 blocks of coefficients which, can be interpreted as plurality of files). It is further noted that as a results, the newly form frame which, is composed of a plurality of the reduced 8X8 DCT blocks of coefficients has much less bandwidth as compared to the composition of a plurality of original 8X8 DCT blocks of coefficient and further more, only merging reduced 8X8 DCT blocks is interpreted as selectively merging files of the plurality of files to form a frame and since in order to form a video clip (plurality of frames, Oguz et al needs to form a single frame first.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "capable of" in claim 1 (line 4 and similarly claim 7, line 5) is a relative term which renders the claim indefinite. The term ""capable of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguz et al (US 6,771,703).

Oguz et al discloses an efficient scaling of nonscalable MPEG-2 video comprising the same method for providing a variable bit rate for a streaming service in

an information communication system, comprising the step of: a) decompressing a stored original video bit stream, into a plurality of files of a plurality of file types capable of supporting the variable bit rate, and then storing the files (fig. 1, el. 34, 32-33-37); b) merging selective files of the plurality of files to form a frame based on the decomposed file types by considering a traffic state of a communication network; and c) providing the streaming service by using the video bit stream merged (fig. 1, and col. 7, ln. 38 – col. 8, ln. 23 and fig. 13, el. 222, 225, 227, 229 and col. 17, ln. 21 – col. 18, ln. 25); and wherein the step a) decomposing the original bit stream is gained by applying a frame rate controlling system through a frame removal and a fidelity controlling system in which selection for a discrete cosine transform (DCT) coefficient are differently provided in a unit of block within a frame (fig. 13, el. 222, 225, 227, 229 and col. 17, ln. 21 – col. 18, ln. 25) as specified in claims 1-2 and 7.

Allowable Subject Matter

6. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kalra et al (US 6,490,627) discloses a method and apparatus that providing a scalability media delivery system.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

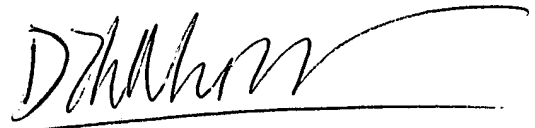
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
9/16/2005

A handwritten signature in black ink, appearing to read "D7hMhM", written over a horizontal line.

**NHON DIEP
PRIMARY EXAMINER**